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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,392	11/03/2003	Kazuo Hiraguchi	Q78054	2716
23373 7590 07/09/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER GREENHUT, CHARLES N	
			ART UNIT 3652	PAPER NUMBER
			MAIL DATE 07/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/698,392

Applicant(s)

HIRAGUCHI ET AL.

Examiner

Charles N. Greenhut

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,8 and 10 is/are rejected.
- 7) ☒ Claim(s) 2, 4-7, 9 and 11-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Art Unit: 3652

I. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim(s) 1, 3, 8, and 10 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over STAAR (US 3,864,743 A) in view of Applicant's Acknowledged Prior Art (AAPA).

1.1. With respect to claim(s) 1, 3, 8, and 10 STAAR discloses an accommodation chamber (8), which accommodates both a first (3) and second (21) recording tape cartridge, the first recording tape cartridge (3) being structurally different (cf. Fig. 1-2) that the second (21), the first (3) and second (21) recording tape cartridge each comprising a case (3)/(21) rotatably accommodating a reel (4)/(23) around which a recording tape (2)/(25) is wound, grasped portions (unlabeled proximate arrows in Fig. 1-2), which include concave portions provide at side walls and which a grasping device can grasp from both sides, wherein the height from the floor surface of the accommodating chamber (8) to the grasped portions of the first cartridge (3) at a time when the first cartridge (3) is accommodated in the chamber (8) is the same as the height from the floor surface of the accommodating chamber (8) to the grasped portions of the second cartridge (21) at a time when the second cartridge (21) is accommodated in the chamber (8) (Col. 2 Li. 17-20), and an interval between corner portions of the grasped portions of the first cartridge (3) at a removal side is the same as an interval between corner portions of the grasped portions of the second recording tape cartridge (21) at the removal side (Col. 2 Li. 17-20), and corner portions of the

grasped portions of the first recording tape cartridge (3) are chamfered/inclined walls providing guide surfaces (note curved/smoothed transition). STAAR fails to disclose the accommodation chamber constituting part of a structure that houses a plurality of said chambers and a grasping device. These features, however, are well known in the art, as shown in AAPA Fig. 10-11. It would have been obvious to one having ordinary skill in the art to employ the STARR chamber in a structure that houses a plurality of such chambers (100/110), and to employ a grasping device (70/80) to access those chambers in order to store and retrieve additional data.

II. Allowable Subject Matter

1. Claim(s) 2, 4-7, 9 and 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

1.1. With respect to claims 2 and 9 the following is a statement of reasons for the indication of allowable subject matter

1.1(a) While the prior art of STAAR, TODOR and KAPPEL and that shown by Applicant in Fig. 8 teach recording tape cartridges graspable from the rear at a concave section, a cartridge having the unique feature of an overhang portion hung over a side wall extending rearwardly from the concave portions as described in the language of claims 2 and 9 is not taught or fairly suggested by the prior art.

III. Response to Applicant's Arguments

Applicant's arguments entered 5/17/07 have been fully considered.

Art Unit: 3652

1. Applicant argues that STARR does not anticipate claims 1 and 8, as amended, because STARR fails to disclose a plurality of accommodation chambers in the structure and a grasping device as required by the present amendment. This argument is persuasive. The rejection under 35 USC 102(b) over STARR has therefore been withdrawn. Upon further consideration, however, a new grounds for rejection is presented above.

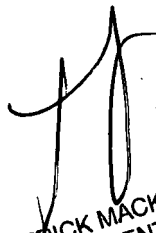
IV. Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
2. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.

Art Unit: 3652

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached at (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CG


PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600